

UNITED STATES DISTRICT COURT

for the

Southern District of Ohio

RICHARD HORTON,

Plaintiff

v.

City of Columbus, et al.

Defendant

Civil Action No. 2:23-cv-3888

SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS
OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION

To:

University of Cincinnati, ATTN: Brian M. Spiess
University Hall, 51 Goodman Drive, Cincinnati, OH 45221*(Name of person to whom this subpoena is directed)*

☒ **Production:** **YOU ARE COMMANDED** to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and to permit inspection, copying, testing, or sampling of the material: Any and all documents including, but not limited to, documents reflecting communications, contracts or agreements, or payments or reimbursements related to Richard Horton or Janette Horton or Pierce Reed or the Ohio Innocence Project in relation to Richard Horton, regarding events to be held at or in conjunction with Ohio University on October 8, 2024 or at any time on or after September 6, 2024.

Place: City Attorney's Office
77 N. Front Street, Columbus, Ohio 43215Date and Time:
10/30/2024 12:00 pm

☐ **Inspection of Premises:** **YOU ARE COMMANDED** to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.

Place:

Date and Time:

The following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: 10/03/2024

CLERK OF COURT

OR

Signature of Clerk or Deputy Clerk

/s/ David J. Dirisamer

*Attorney's signature*The name, address, e-mail address, and telephone number of the attorney representing *(name of party)*

The City of Columbus and Brenda Walker, who issues or requests this subpoena, are:

David J. Dirisamer, Assistant City Attorney, 77 N. Front Street, Columbus OH 43215, (614) 645-6964

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things or the inspection of premises before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

Civil Action No. 2:23-cv-3888

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

I received this subpoena for *(name of individual and title, if any)* _____
on *(date)* _____.

☐ I served the subpoena by delivering a copy to the named person as follows: _____

_____ on *(date)* _____; or

☐ I returned the subpoena unexecuted because: _____

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also
tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of
\$ _____.

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ 0.00 _____.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc.:

Federal Rule of Civil Procedure 45 (c), (d), (e), and (g) (Effective 12/1/13)**(c) Place of Compliance.**

(1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
 - (i) is a party or a party's officer; or
 - (ii) is commanded to attend a trial and would not incur substantial expense.

(2) For Other Discovery. A subpoena may command:

- (A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
- (B) inspection of premises at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction—which may include lost earnings and reasonable attorney's fees—on a party or attorney who fails to comply.

(2) Command to Produce Materials or Permit Inspection.

(A) *Appearance Not Required.* A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) *Objections.* A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing, or sampling any or all of the materials or to inspecting the premises—or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

- (i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) Quashing or Modifying a Subpoena.

(A) *When Required.* On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:

- (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
- (iv) subjects a person to undue burden.

(B) *When Permitted.* To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

- (i) disclosing a trade secret or other confidential research, development, or commercial information; or

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(C) *Specifying Conditions as an Alternative.* In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii) ensures that the subpoenaed person will be reasonably compensated.

(e) Duties in Responding to a Subpoena.

(1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:

(A) *Documents.* A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) *Form for Producing Electronically Stored Information Not Specified.* If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) *Electronically Stored Information Produced in Only One Form.* The person responding need not produce the same electronically stored information in more than one form.

(D) *Inaccessible Electronically Stored Information.* The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) Claiming Privilege or Protection.

(A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

- (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) *Information Produced.* If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt.

The court for the district where compliance is required—and also, after a motion is transferred, the issuing court—may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

UNITED STATES DISTRICT COURT

for the

Southern District of Ohio

RICHARD HORTON,

Plaintiff

v.

City of Columbus, et al.

Defendant

Civil Action No. 2:23-cv-3888

SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS
OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION

To:

University of Cincinnati, ATTN: Brian M. Spiess
University Hall, 51 Goodman Drive, Cincinnati, OH 45221*(Name of person to whom this subpoena is directed)*

☒ **Production:** **YOU ARE COMMANDED** to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and to permit inspection, copying, testing, or sampling of the material: Any and all documents including, but not limited to, documents reflecting communications, contracts or agreements, or payments or reimbursements related to Richard Horton or Janette Horton or Pierce Reed or the Ohio Innocence Project in relation to Richard Horton, regarding events to be held at or in conjunction with the Ohio State University on October 1, 2024 or at any time on or after September 6, 2024.

Place: City Attorney's Office
77 N. Front Street, Columbus, Ohio 43215Date and Time:
10/25/2024 12:00 pm

☐ **Inspection of Premises:** **YOU ARE COMMANDED** to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.

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Date and Time:

The following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: 10/03/2024

CLERK OF COURT

OR

Signature of Clerk or Deputy Clerk

/s/ David J. Dirisamer

*Attorney's signature*The name, address, e-mail address, and telephone number of the attorney representing *(name of party)*

The City of Columbus and Brenda Walker, who issues or requests this subpoena, are:

David J. Dirisamer, Assistant City Attorney, 77 N. Front Street, Columbus OH 43215, (614) 645-6964

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_____ on *(date)* _____; or

☐ I returned the subpoena unexecuted because: _____

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also
tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of
\$ _____.

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ 0.00 _____.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc.:

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- (i) disclosing a trade secret or other confidential research, development, or commercial information; or

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(C) *Specifying Conditions as an Alternative.* In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
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- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) *Information Produced.* If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt.

The court for the district where compliance is required—and also, after a motion is transferred, the issuing court—may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

PS Form 3811, July 2020 PSN 7530-02-000-9053

7017 3380 0000 1599 9910

2. Article Number (Transfer from service label)

9590 9402 7026 1225 3384 09



UNIVERSITY OF CINCINNATI
Office of General Counsel
368 University Hall, 51 Goodman Drive
PO Box 210661
CINCINNATI, OH 45221

1. Article Addressed to:

- SENDER: COMPLETE THIS SECTION**
- Complete items 1, 2, and 3.
 - Print your name and address on the reverse so that we can return the card to you.
 - Attach this card to the back of the mailpiece, or on the front if space permits.

SENDER: COMPLETE THIS SECTION**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

☒ X

B. Received by (Printed Name)

C. Date of Delivery

☐ Agent
☐ Addressee

D. Is delivery address different from item 1? If YES, enter delivery address below:

☐ Yes
☐ No

3. Service Type

☒ Adult Signature☐ Adult Signature Restricted Delivery☐ Certified Mail®☐ Certified Mail Restricted Delivery☐ Collect on Delivery☐ Collect on Delivery Restricted Delivery☐ Insured Mail☐ Registered Mail☐ Registered Mail Restricted Delivery☐ Signature Confirmation™☐ Signature Confirmation Restricted Delivery☐ Priority Mail Express®☐ Registered Mail™☐ Registered Mail Restricted Delivery☐ Signature Confirmation™☐ Signature Confirmation Restricted Delivery

Domestic Return Receipt

US POSTAGE

ZIP 43215 \$ 009.92⁰
02-1W
0001398192 AUG 20 2024**CERTIFIED MAIL®**

COLUMBUS OH 43201



7017 3380 0000 1599 9910

ZACH KLEIN
COLUMBUS CITY ATTORNEYCivil Division
77 North Front Street | 4th Floor
Columbus, OH 43215

0661

UHall

Override Loc:**QTY:**

PO Number: MAIL

Vendor:

Received On: 08/26/2024 04:04:33pm

Tracking No: 70173380000015999910



45221

AO 88B (Rev. 02/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

UNITED STATES DISTRICT COURT

for the
Southern District of Ohio

Richard Horton

Plaintiff

v.

City of Columbus, et al.

Defendant

Civil Action No. 2:23-cv-3888

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☒ **Production:** **YOU ARE COMMANDED** to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and to permit inspection, copying, testing, or sampling of the material:

See Exhibit A

Place: City of Columbus, Dept. of Law 77 N. Front Street, Columbus, OH 43215	Date and Time: 09/06/2024 9:00 am
--	--

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Date: 08/19/2024

CLERK OF COURT

OR

Signature of Clerk or Deputy Clerk
*Attorney's signature*The name, address, e-mail address, and telephone number of the attorney representing *(name of party)*

Brenda Walker and City of Columbus, who issues or requests this subpoena, are:
David Dirisamer, Assistant City Attorney, 77 N. Front Street, Columbus, OH 43215; djdirisamer@columbus.gov;
614-645-6964

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AO 88B (Rev. 02/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action (Page 2)

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Exhibit A

Pursuant to the attached subpoena and Fed. R. Civ. P. 45, please produce the following:

All contracts or agreements between the University of Cincinnati, or any agent or division thereof, and Richard Horton or Janette Horton or Pierce Reed or the Ohio Innocence Project in relation to Richard Horton, regarding events to be held at or in conjunction with the University of Cincinnati on May 8, 2024 or at any time on or after January 1, 2022.

All payments, reimbursements, or other remuneration from the University of Cincinnati, or any agent or division thereof, to Richard Horton or Janette Horton or Pierce Reed or the Ohio Innocence Project in relation to Richard Horton, regarding events to be held at or in conjunction with the University of Cincinnati on May 8, 2024 or at any time on or after January 1, 2022.

All videos, recordings, or transcripts regarding statements made by Richard Horton or Janette Horton or Pierce Reed or the Ohio Innocence Project in relation to Richard Horton, regarding events to be held at or in conjunction with University of Cincinnati on May 8, 2024 or at any time on or after January 1, 2022.

All documents reflecting all communications (either written or oral) with Richard Horton or Janette Horton or Pierce Reed or the Ohio Innocence Project in relation to Richard Horton, regarding events to be held at or in conjunction with the University of Cincinnati on May 8, 2024 or at any time on or after January 1, 2022.